

Senate Bill No. 1742

CHAPTER 257

An act to amend Section 736 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor September 14, 2006. Filed with
Secretary of State September 14, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1742, Machado. Juvenile justice.

Existing law establishes the Youth Authority and requires it to accept a person committed to it if it believes that the person can be materially benefited by its reformatory and educational discipline and if it has adequate facilities to provide that care.

This bill would instead make the Division of Juvenile Justice the entity responsible for these duties and would make related changes to that provision.

Existing law requires the Youth Authority to accept a person committed to it, provided that the Director of the Youth Authority certifies that staff and institutions are available if that person is a borderline psychiatric or borderline mentally deficient case, sex deviate, as specified, or if he or she suffers from a primary behavior disorder. Existing law prohibits a person to be transported to a facility under the jurisdiction of the Youth Authority until the director of that agency has notified the committing court of the place to which the person is to be transported and the time at which that person can be received.

This bill would delete those provisions.

Existing law requires the Director of the Youth Authority and the Director of the State Department of Mental Health to annually confer and establish policy with respect to the types of cases that should be the responsibility of each department.

This bill would instead provide that to determine who is best served by the Division of Juvenile Justice and who would be better served by the State Department of Mental Health, the Chief Deputy Secretary of the Division of Juvenile Justice shall confer with the Director of the State Department of Mental Health regarding these duties.

The people of the State of California do enact as follows:

SECTION 1. Section 736 of the Welfare and Institutions Code is amended to read:

736. (a) The Division of Juvenile Justice shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities, staff, and programs to provide that care. A person subject to this section shall not be transported to any facility under the jurisdiction of the Division of Juvenile Justice until the director thereof has notified the committing court of the place to which that person is to be transported and the time at which he or she can be received.

(b) To determine who is best served by the Division of Juvenile Justice and who would be better served by the State Department of Mental Health, the Chief Deputy Secretary of the Division of Juvenile Justice and the Director of the State Department of Mental Health shall, at least annually, confer and establish policy with respect to the types of cases that should be the responsibility of each department.